

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, *et al.*,

Plaintiffs,

vs.

DEPARTMENT OF THE ARMY, *et al.*,

Defendants.

Civil Action No. 18-1551 (ESH)

**DEFENDANTS' STATUS REPORT**

In accordance with the Court's Order entered on August 13, 2018 (ECF No. 23), Defendants respectfully submit this bi-weekly status report. The Court's Order requires Defendants to provide bi-weekly status reports "with any updates regarding [1] the Army's policy with respect to administrative separation procedures applicable to DEP and DTP members, as well as [2] any intention to discharge any DEP or DTP member in accordance with this policy." Order (ECF No. 23) at 2.

1. There is no change or other update regarding the Army's administrative separation policy applicable to MAVNI DEP and DTP members. The Army's October 26, 2018 policy memorandum (ECF No. 50-1) remains in effect and has not been changed or otherwise amended.

a. As recently reported to the Court, there have been recent instances of an unsigned MSSR notification waiver election memorandum template (the "MSSR Waiver Memo") having been distributed to a limited number of MAVNIs without proper authorization. (*See* ECF Nos. 103 and 108.) These instances were not due to a change in the Army's policy, and indeed, the reported instances pertain to use of the MSSR Waiver Memo without proper authorization.

b. As Defendants reported on July 3, 2019, Defendants are conducting an inquiry into the most recent known instance in which a second MSSR Waiver Memo was sent to named plaintiff Lucas Calixto. *See* Status Report (ECF No. 108) ¶ 3. Defendants will provide the Court with a further status report on this matter as soon as possible, no later than Thursday, July 11, 2019, at 12:00 pm. *Id.* ¶ 4.

2. As of the date of this report, the Army has not initiated any administrative separations pursuant to the October 26, 2018 policy memorandum (ECF No. 50-1).

Dated: July 8, 2019

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on this 8th day of July 2019, I served the foregoing Defendants' Status Report upon counsel for Plaintiffs by filing said document using the Court's Electronic Case Filing System.

Dated: July 8, 2019

/s/ Roberto C. Martens, Jr.  
ROBERTO C. MARTENS, JR.  
Special Assistant United States Attorney